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Attorney for Defendant

Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BRYAN ANDREWS,

Plaintiffs,

vs.

SIMM ASSOCIATES, INC.,

Defendant.

Case No.: 3:16-CV-05770-BHS

DECLARATION OF JEFFREY I. HASSON

The undersigned makes this Declaration on Defendant Simm Associates, Inc. ("Simm")'s behalf.

1. I am over the age of eighteen and am otherwise competent to testify herein. This declaration is based upon my personal knowledge.

2. I am Attorney for Simm in this matter and make this declaration in that capacity.

3. Attached hereto and incorporated by this reference are true and correct copies of the following:

a. A redacted copy of Plaintiff's Response to Interrogatories marked as Exhibit "1".

DECLARATION OF JEFFREY I. HASSON -- Page 1
Case No.: 3:16-CV-05770-BHS

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1 4. A redacted copy of the deposition of Jeffrey Scott Simendinger marked as Exhibit
2 "2".

3 5. On April 25, 2017, I contacted Plaintiff's attorney, Mr. Joshua Trigsted, to confer
4 with regards to Simm's Motion for Summary Judgment to see if some of the claims could be
5 disposed of without the necessity of a Motion for Summary Judgment.

6 6. I informed Mr. Trigsted that the discovery confirmed that the communications in
7 question were not made to a cell phone, and asked if the TCPA case could be dismissed since the
8 allegations in the Complaint as to a cell phone were inconsistent with the discovery provided by
9 Plaintiff. He informed me that he did not intend to dismiss the claim for violation of the TCPA.
10 He informed me that he believed that if the Plaintiff was charged for the incoming calls on a
11 landline that he believed that Plaintiff could recover on the TCPA. He informed me that he
12 intended to amend to plead this theory.

13 7. I also informed Mr. Trigsted that my research showed that the phone number did
14 not belong to Plaintiff. Instead, the phone number belonged to a corporation-- Andrews Nation,
15 Inc., a Washington corporation, with UBI Number 602940455, located at 9208 NE Hwy 99 #
16 107, Vancouver, WA 98665 doing business as the unregistered name of Accelerated Postal &
17 Print. I informed him that I believed that Plaintiff was not the real party in interest to pursue the
18 TCPA claim as that the claim, if any, had to be pursued by Andrews Nation, Inc. He informed
19 me that he did not intend to dismiss the TCPA claim because Plaintiff intended to pursue the
20 claim as a de facto assigned claim from Andrews Nation, Inc. He sent me a case that he claimed
21 supported his allegation. A copy of the email and case sent is attached hereto marked Exhibit
22 "3", and is incorporated by reference thereto.

23 8. He informed me that even though the amendment deadline had expired that he
24 intended to move to amend the complaint to allege these new allegations. This is the first notice
25 to me of the new allegations.

1 9. I also requested that he dismiss the FDCPA claim because the volume of calls
2 were to Andrews Nation, Inc. and not to Plaintiff such that Plaintiff was not the real party in
3 interest on that claim.

4 10. Mr. Trigsted informed me he intended to continue to pursue the FDCPA claim.

5 I declare under penalty of perjury under the laws of the State of Washington that the
6 foregoing is true and correct.

7 Dated June 19, 2017 at Portland, Oregon.

8 /s/ Jeffrey I. Hasson
9 Jeffrey I. Hasson

Certificate of Service

I hereby certify that on June 19, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following: Joshua Trigsted and I hereby certify on that I mailed by United States Postal Service the document to the following:

s/ Jeffrey I. Hasson
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